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4 KENAN THOMPSON,
5 Plaintiff,
6 v.
7
8 CARMAX,
9 Defendant.

10 Case No. [23-cv-01364-AMO](#)
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13 **ORDER TO SHOW CAUSE RE
14 DISMISSAL FOR FAILURE TO
15 PROSECUTE**
16

17 Re: Dkt. No. 17
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19 Plaintiff, proceeding *pro se*, commenced this lawsuit on March 23, 2023. ECF 1.
20 Following an order to show cause, ECF 6, Plaintiff filed an amended complaint on April 20, 2023,
21 ECF 7. Because the amended complaint did not cure the deficiencies identified in the order to
22 show cause, United States Magistrate Judge Joseph C. Spero issued a report and recommendation
23 that the amended complaint be dismissed, with leave to amend as to Claims Five through Eight
24 and with prejudice as to Claims One through Four. ECF 12. The report and recommendation
25 indicated that Plaintiff could “file an objection . . . no later than fourteen (14) days from the date
26 on which he is served a copy[.]” The case was then reassigned to this Court. ECF 14. Plaintiff
did not file any objection to the report and recommendation.

27 On May 31, 2023, this Court adopted Judge Spero’s report and recommendation, dismissed
28 the amended complaint with prejudice as to Counts One through Four, and granted Plaintiff leave
to file a second amended complaint, as to Claims Five through Eight, “no later than 28 days from
the date on which he is served with a copy of th[e] Order.” ECF 17. To date, Plaintiff has not
filed a second amended complaint.

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Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, by no later than August 31, 2023, why the case should not be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: August 7, 2023


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge

United States District Court
Northern District of California